

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

STEVE ALLEN WOOTEN,)	
)	
Plaintiff,)	
)	
vs.)	CV-05-J-0513-S
)	
TALLAPOOSA COUNTY JAIL, ET AL.,)	
)	
Defendants.)	

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Steve Allen Wooten, plaintiff, has filed a *pro se* complaint in this court pursuant to 42 U.S.C. § 1983. Plaintiff is an Alabama prison inmate incarcerated at the Tallapoosa County Jail, which is located in the Middle District of Alabama. Plaintiff names as defendants the Tallapoosa County Jail, Tallapoosa County Sheriff Jimmy Abbott, Tallapoosa County Jail Administrator David McMichael, and Tallapoosa County Assistant Jail Administrator Lieutenant Carolyn Moss. He claims that defendants have failed to “carry [him] to court” even though he has been incarcerated in the jail for six weeks.

It appears from the complaint filed by plaintiff that venue is not proper in the Northern District of Alabama. A civil rights action may be brought only in the judicial district (1) where at least one of the defendants resides or (2) where “a substantial part of the events or omissions giving rise to the claim occurred.” 28 U.S.C. § 1391(b). *See Jones v. Bales*, 58 F.R.D. 453 (N.D. Ga. 1972), *aff’d*, 480 F.2d 805 (5th Cir. 1973); *Daugherty v. Proconier*, 456 F.2d 97 (9th Cir. 1972). There does not appear to be a defendant which resides in the Northern District of Alabama. In addition, the actions of which plaintiff complains did not occur in the Northern District of Alabama,

and appear to have occurred in the Middle District of Alabama. Accordingly, in the interest of justice, this action is due to be transferred to the United States District Court for Middle District of Alabama. 28 U.S.C. § 1404(a).

For the foregoing reasons, the magistrate judge recommends that this action be transferred to the United States District Court for the Middle District of Alabama.

Any party may file specific written objections to this report within fifteen (15) days of the date it is filed. Failure to file written objections to the proposed findings and recommendations contained in this report within fifteen (15) days from the date of its filing shall bar an aggrieved party from attacking the factual findings on appeal.

DONE this the 15th day of April, 2005.

A handwritten signature in black ink, appearing to read "Paul W. Greene", is written above a horizontal line.

PAUL W. GREENE
CHIEF MAGISTRATE JUDGE